FW: Minnesota Speakers Office

From: Lotthammer, Shannon (MPCA)

To: Hinde, Kirk

[illegible]

Sent: Tue 2/13/2018 7:06:47 PM

Dear Kirk:

Thank you and Cathy for the opportunity to connect with you on this matter. By way of introduction, as John notes below the Assistant Commissioner for Water at MPCA, and prior to that I led a division here at MPCA that included both our water quality standards efforts and support for our permitting programs.

The agreement John references is the Memorandum of Agreement (MOA) that exists between MPCA and Region 5 EPA regarding the NPDES program delegation to MPCA. That agreement is attached. The question at issue is the timing of EPA written comments on draft/proposed NPDES permits.

As you'll note in the highlighted portions of page pp. 27-28 of the attached pdf (which are pages 10-11 of the actual MOA), the established process is for MPCA to place the draft permit on public notice, consider and respond to public comments and make any resulting changes that are necessary, and then to submit the proposed permit to EPA for review and comment (which could include objections) prior to final issuance.

The concern we have expressed to Region 5 staff/regrets the timing of EPA comments, not the ability for EPA to comment. The draft permit that is the subject of this discussion is on public notice until March 16. We know that we will be making some changes to the draft permit in response to public comments, and also questions raised by EPA. We have asked that EPA Region 5 not send a written comment letter during the public comment period and instead follow the steps outlined in the MOA and wait until we have reviewed and responded to public comments and made associated changes before sending comments from EPA.

We have been meeting regularly with Region 5 permitting folks to identify and work through questions, and we would be happy to continue to do so as we review and respond to public comments and continue to refine the draft permit. I also understand that some EPA staff are concerned that the 15 day timeline laid out in the MOA for EPA review and comment/response/objection is not sufficient to [illegible] the complexity of the draft permit. We are certainly sympathetic to the need for adequate review time, and we'd be happy to talk about and memorialize via a letter or meeting a longer timeframe for EPA review prior to permit issuance.

Again, I wish to stress – as I have with Chris Kocheski and Kevin Pierard – that the concern here is not about EPA's authority for review. We recognize and respect that authority. The question is about the timing of that review, and the importance of maintaining the approach laid out in the MOA for the sake of clarity and efficiency, among other goals.

I would be happy to talk with you more about this matter, or to provide any additional information that would be helpful. Thank you again for the opportunity to connect. The MPCA and Region 5 EPA have a strong working relationship, and I wish to do all I can to reinforce our partnership and continue to strive towards our shared goals of water quality protection and excellence in public service.

Kind regards,

Shannon

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